

The Peace Officer Standards and Training Commission met on Friday, October 15, 2010, at 9:30 a.m., at the Tennessee Law Enforcement Training Academy Annex, 3025 Lebanon Road, Nashville, Tennessee.

MEMBERS PRESENT

Commissioner Rita Baker – Chairman

~~Commissioner Glen Donoho~~

Commissioner Gerald Fanion

Commissioner Penny Fitzgerald

Commissioner Larry Godwin

Commissioner Carl Jenkins

Commissioner Jeffrey Lewis

Commissioner Tina Mercer

Commissioner Leamon Pierce

Rept. Eddie Yokley

STAFF MEMBERS PRESENT

Mr. Brian Grisham, Executive Director

Ms. Gay Rye, Admin. Services Assistant

Mr. Joe Underwood, Attorney, Commerce & Insurance

Mr. John Welch, POST Investigator

Mr. Stan Murphy, POST Investigator

Chairman Baker called the meeting to order and welcomed everyone to the POST meeting.

Chairman Baker asked for approval of the September 17th, 2010 Minutes. Commissioner Lewis moved to approve the Minutes as submitted, seconded by Commissioner Jenkins. The motion carried.

Chairman Baker reported that the Decertification Committee met on Thursday, October 14th, 2010, and is making the following recommendations to the POST Commission: James Adkins, Chattanooga PD – voluntarily surrendered his certification and there was no hearing had in that case; Myron Eugene Stewart, Memphis PD – Mr. Stewart did not appear. The Memphis PD was represented and the recommendation is for decertification. Commissioner Baker recused herself from discussing the matter regarding Jeffrey Dean Sells from Metro Nashville PD. The committee is recommending placing Mr. Sells in suspended status until his probationary period is concluded and will appear at the February meeting with proof of adjudication. The following cases were discussed, no hearings were requested and an initial order of decertification will be issued to the following individuals: Caroline Danielle Russell, - Belle Meade PD; Fredericko Miguel Moore, Chattanooga PD; Jeremy Ernest Clark – Cumberland County SO; Michelle Lee

understand. Mr. Grisham said this Commission has to decide whether to grant Mr. Brooks' appeal and refer it to the decertification committee. Mr. Brooks has the right to appeal the initial order, which he has done, and it has to be within a certain time frame, which it is timely.

Commissioner Jenkins noted that technically, all they would be doing today is decide if they want to stand by the Commission's prior ruling or give Mr. Brooks a chance to come and appeal it in person.

~~Commissioner Fitzgerald moved to deny the request for a hearing because of the time~~
frame, seconded by Commissioner Donoho

Mr. Grisham stated that Mr. Brooks made the deadline for the written appeal but not the initial hearing. Commissioner Jenkins noted that Mr. Brooks had the opportunity initially but did not take advantage of it, however, he has filed a written appeal in a timely manner and this Commission can accept it and revisit the request or deny it. Mr. Grisham stated that the initial order went out and Mr. Brooks had thirty days from entry of the order. The order was entered on August 27th. Mr. Brooks hand delivered a letter appealing the decision on September 13th, so he is within the time frame.

Commissioner Donoho withdrew his second and Commissioner Fitzgerald withdrew her motion to deny.

Commissioner Fitzgerald moved to send the matter back to the decertification committee because Mr. Brooks did get his appeal in in a timely manner. Commissioner Mercer seconded.

Officer Tatum commented that Mr. Brooks signed his employment contract with TSU on the previous Friday, but he will not start officially working until the 18th of October. Chairman Baker told Officer Tatum that he department must understand that until the POST Commission approves and gives him back his certification, Mr. Brooks cannot be working. Officer Tatum acknowledged that it would depend upon POST's decision.

Commissioner Jenkins replied that the Commisison has to honor the written appeal since it has been filed timely. Mr. Grisham said that there was not anything put in the record when the decertification committee met on the issue. The committee was just told that Mr. Brooks failed to request a hearing. Mr. Grisham remarked that it would be best to have a hearing.

The motion to send the matter back to the decertification committee carried.

Officer Tatum announced that he would take all this information back to the chief and they would discuss it fully.

NEW BUSINESS/ITEMS FOR DISCUSSION

MODEL POLICY ON CITIZENSHIP STATUS - PATRICK MERKEL TO PRESENT

Mr. Joe Underwood, Attorney from Commerce & Insurance, was present on behalf of Mr. Merkel. Mr. Underwood turned the matter over to Mr. Grisham for explanation.

Mr. Grisham explained this was discussed at the rules meeting at Pickwick Landing in June. He said the legislature gave POST the mandate to come up with some model guidelines for jails, not just sheriffs, but any municipal jail that intakes prisoners to check immigration status. The statute that Tennessee passed is not as broad and encompassing and controversial as the one in Arizona where officers on the street are asking the questions and making determinations. ~~The Commission voted that a committee be put~~ together of experts. Immigration information was received from the Immigration Customs Enforcement (ICE) of the federal government. The subcommittee met and it included representatives from across the state and including Sheriff Hall from Metro Nashville. Mr. Grisham explained that the whole process will become moot next year when the federal government rolls out an automatic data base check of the state department and keeps records on any booking. ~~The automatic fingerprints that are taken~~ on the booking will trigger an automatic computer check of the individual to see if there are any warrants or holds or citizenship issues for that individual. Until that point, the committee came up with a four-page document based on what other jurisdictions are doing. At the recommendation of this committee, two questions will be asked of every person coming through the jail, no matter who they are and not matter what they look like, which is are you a citizen or were you born in this country. The response to those questions will trigger an inquiry to ICE as to whether the individual needs to be held or not. Mr. Grisham explained that the sheriffs approached POST with this as the legislation was being argued, wanting POST to take this on so that there is uniformity and different jails are not doing different things. The Sheriff's Association Executive Committee looked at the model at their last meeting and voted to endorse the model policy. The model policy will be published in response to that statute that the legislature asked them to do. It will be published to the ninety-five counties and the approximately fifteen cities that have jails.

Commissioner Lewis moved to approve the model policy, seconded by Commissioner Fitzgerald. The motion carried.

WAIVER OF POST RULE 1110-2-.03 (4)

DOVER PD – SELPH, CARL WAYNE – Request is made to allow Officer Selph a waiver for attendance to another academy. While employed by the Stewart County SO he attended TLETA in March, 2005 and dropped due to medical reasons. He attended WSCC graduating in Dec. 2009, and had no employment at the time. He became full time with Dover PD on 9-20-10 and request a waiver so that he may be issued POST Certification.

Commissioner Lewis moved to approve, seconded by Commissioner Fitzgerald. The motion carried.

WAIVER OF POST RULE 1110-2-.03 (4)

September 2, 2010 1:00 p.m. @ Post Commission

NAME

E-MAIL

PHONE

Patrick Merkel	patrick.merkel@tn.gov	741-9462
Mike Dobbins	mikedobbins@williamsontn.org	7905570
John Welch	John.Welch@TN.GOV	615-741-4461
Stan Murphy	Stan.Murphy@tn.gov	615-741-4461
Brian Grisham	brian.grisham@tn.gov	615-741-4448
Karla Weikal	kweikal@dcsso.nashville.org	615-862-8235
Daron Hall	dhall@dcsso.nashville.org	615-862-8166
Rick Gentri	Rgentri@dcsso.nashville.org	615-862-8230
Terry Wilshire	twilshire@KnoxHousing.org	865-629-7800

Patrick Merkel - Fw: County Breakdown

From: "Terry Wilshire" <twilshire@knoxsheriff.org>
To: <patrick.merkel@tn.gov>
Date: 9/7/2010 8:04 AM
Subject: Fw: County Breakdown

Patrick here is one of two emails that gives us ICE notification information for the state. I will get the map and add both sets of information together that we can give out across the state.

Sergeant Terry Wilshire B1512
Assistant Intake/Release Manager
Knox County Sheriff's Office
Intake/Release/ Sexual Offender Registry
Office 865-281-6735 Cell 865-679-7800 Fax 865-281-6736
<http://www.knoxsheriff.org/>

-----Original Message-----

From: "Bobo, John B" <john.bobo@dhs.gov>
Sent: 9/2/2010 5:34:06 PM
To: twilshire@knoxsheriff.org
Subject: RE: County Breakdown

Hey Terry,

These are the only ICE ERO offices in TN.

Chattanooga fax is 423-553-1719
Knoxville 865-539-2607
Nashville 615-736-2037
Memphis 901-544-0271

From: SRS0=OAq5sh=QG=knoxsheriff.org=twilshire@srs.bis.na.blackberry.com
[mailto:SRS0=OAq5sh=QG=knoxsheriff.org=twilshire@srs.bis.na.blackberry.com] **On Behalf Of**
twilshire@knoxsheriff.org
Sent: Thursday, September 02, 2010 5:30 PM
To: John Bobo
Subject: Re: County Breakdown

Ok one more level...local offices and fax info? Sorry for needing so much

Sent from my BlackBerry® wireless device from U.S. Cellular

From: "Bobo, John B" <john.bobo@dhs.gov>

**Exhibit C to
Pltf's Mx for TI**

BATES 5

Date: Thu, 2 Sep 2010 16:23:11 -0500
To: <twilshire@knoxsheriff.org>
Subject: RE: County Breakdown

Yes, sorry.

Chattanooga 423-553-1716 SDDO John Bobo
Knoxville 865-539-0921 SDDO John Bobo
Nashville 615-736-2036 SDDO Tommy Burnside
Memphis 901-544-0266 SDDO James Mounce

John Bobo

Supervisory Detention and Deportation Officer
ICE-ERO-New Orleans Field Office
Chattanooga & Knoxville Field Offices
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Desk: 423-553-1716 ext. 228
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email 2/2

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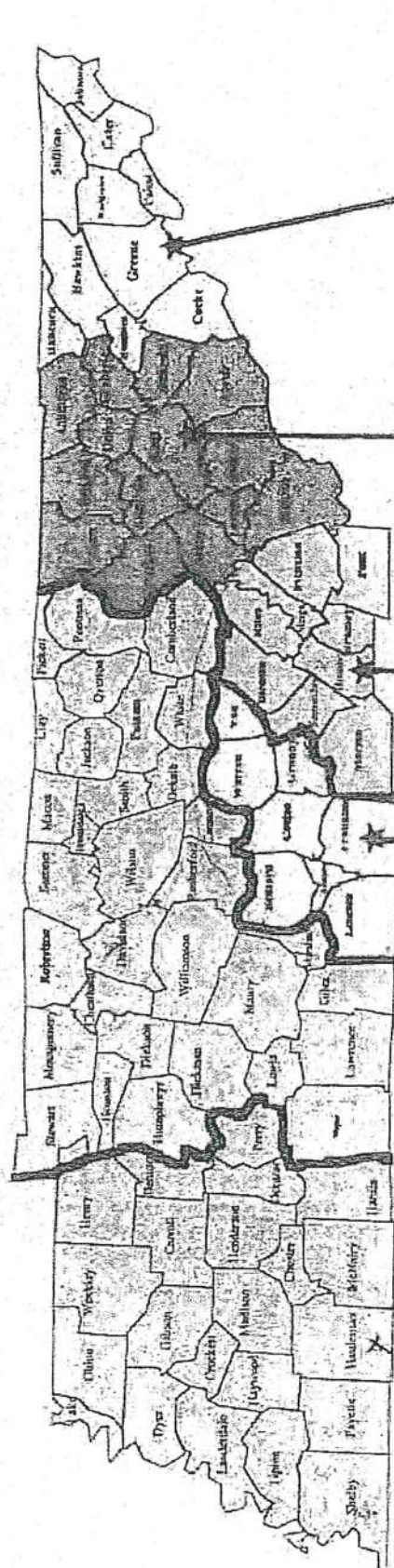
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Eastern District of Tennessee Four District Divisions Northeastern Northern Southern Winchester



41 counties of 95
2.2 m Population (42%)
Land Area: 16,977 sq. miles

Length: 420 miles

Average width: 72 miles

15 of 31 State Judicial Districts

3 Interstate Highways: I-40 E-W

I-75 N-S

I-81 N

41 County Sheriffs

117 Chiefs of Police

15 State District Attorneys General

13 Judicial Drug Task Force Directors

Winchester (8 counties)

1. Bedford
2. Coffee
3. Franklin
4. Grundy
5. Lincoln
6. Moore
7. Warren
8. Van Buren

Southern (9 Counties)

1. Bladsoe
2. Bradley
3. Hamilton
4. McMinn
5. Marion
6. Meigs
7. Polk
8. Rhea
9. Sevier

Northern (14 Counties)

1. Anderson
2. Blount
3. Campbell
4. Claiborne
5. Grainger
6. Jefferson
7. Knox
8. Loudon
9. Monroe
10. Morgan
11. Roane
12. Scott
13. Sevier
14. Union

Northeastern (10 Counties)

1. Carter
2. Cocke
3. Greene
4. Hamblen
5. Hancock
6. Hawkins
7. Johnson
8. Sullivan
9. Unicoi
10. Washington

Patrick Merkel - Re: Fw: County Breakdown

From: Patrick Merkel
To: Wilshire, Terry
Date: 9/7/2010 12:36 PM
Subject: Re: Fw: County Breakdown

Thank you.

>>> "Terry Wilshire" <twilshire@knoxsheriff.org> 9/7/2010 7:46 AM >>>

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BATES 9

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Date: Thu, 2 Sep 2010 16:23:11 -0500
To: <twilshire@knoxsheriff.org>
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Patrick Merkel - Re: Fw: County Breakdown

From: Patrick Merkel
To: Wilshire, Terry
Date: 9/7/2010 12:42 PM
Subject: Re: Fw: County Breakdown

thanks. will be able to spend time with this on Thursday.

>>> "Terry Wilshire" <twilshire@knoxsheriff.org> 9/7/2010 12:23 PM >>>
just sent you the policy to look over as well

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From: "Patrick Merkel" <Patrick.Merkel@tn.gov>
Sent 9/7/2010 1:36:04 PM
To: "Terry Wilshire" <twilshire@knoxsheriff.org>
Subject: Re: Fw: County Breakdown

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From: "Bobo, John B" <john.bobo@dhs.gov>
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Patrick Merkel - procedure

From: "Terry Wilshire" <twilshire@knoxsheriff.org>
To: "patrick.merkel" <patrick.merkel@tn.gov>
Date: 9/7/2010 12:39 PM
Subject: procedure
Attachments: immigration policy.docx

This is my first draft copy, I have some folks looking over it for me here...let me know what you think..

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**Knox County Sheriff's Office Corrections Division
Policy and Procedure Manual**

Page 1 of 2

**Sheriff Tim Hutchison
Chapter 9
Inmate Processing**

Related Standards:

Effective Date:

Effective Date: July

Review Date:

Assistant Chief Deputy

Sub-Section: 9.0 Immigration and Foreign-born Inmates

I Policy: It is the policy of the Knox County Sheriff's Office Corrections Division to comply with the Immigration and Naturalization Act, as compiled in 8 U.S.C §1101 et seq. The Knox County Sheriff's Office will comply with House Bill SB 1070, scheduled to become law on January 1, 2010. The Knox County Sheriff's Office actively participates in the Secure Communities Program. The Knox County Sheriff's Office will identify and report all persons who may be in violation of United States Immigration Laws.

II. Definitions:

ICE: Immigration and Customs Enforcement, the Federal Law Enforcement agency responsible for investigation and removal of criminal aliens. This agency is a branch of Department of Homeland Security.

Secure Communities: Partnership between the Sheriff's Office and ICE to identify, detain, and remove criminal aliens from the United States. ICE monitors all arrestee fingerprints submitted for matches to the ICE criminal alien database.

III. Procedures:

- A. During the course of processing all arrestees, a set of fingerprints is taken via Livescan and transmitted to the Tennessee Bureau of Investigation and Federal Bureau of Investigation for comparison and addition of charges to Criminal History. In addition, all prints transmitted are also routed to ICE for a search of their Criminal Alien database. If a match is found and a detainer required, Secure Communities will notify Intake via phone and will fax a detainer.
- B. Whenever an individual is arrested and brought to the Intake Center for processing, during the normal course of gathering personal information, the individual will be asked his Place of Birth and Citizenship Status in the United States.
- C. If the arrested person indicates he/she was born in a foreign country and/or states he/she is not a citizen of the United States then a booking package will be forwarded to the local ICE office for investigation.
- D. The booking package sent to ICE will consist of Charge Information, an Arrest Report, any response from LESC via NCIC, a photo of the individual, and fingerprint response from TBI and FBI indicating State ID and FBI numbers.
- E. The inmate file will be marked to indicate that this procedure has been indicated and awaiting a response from ICE.
- F. If at any time during this procedure, the inmate's charges are released by bond or court order, the inmates file will be taken to the Intake Supervisor on duty. If no response has been received from ICE, the Intake Supervisor will take steps to contact the Local ICE office or 24/7 Secure Communities for final determination of need of a detainer.
- G. If a Detainer is requested from ICE, then a copy will be placed in the inmates file and a detainer issued and booked on JIMS.
- H. Upon release of all local charges, ICE will be notified via FAX/Phone that the inmate is ready to be transferred to their custody. ICE will have 48 hours (independent of weekends and holidays) to take custody of the inmate. If for any reason ICE has not taken custody within this amount of time, the Intake Supervisor will be notified immediately. In turn the Local and/or Regional ICE Supervisor will be contacted and notified by the Intake Supervisor. A decision for immediate pick up or release will be made at that time.

Patrick Merkel - Fw: County Breakdown

From: "Terry Wilshire" <twilshire@knoxsheriff.org>
To: <patrick.merkel@tn.gov>, <mikedobbins@williamsson-tn.org>,
<johnny.welch@tn.gov>, <stan.murphy@tn.gov>, <bian.grisham@tn.gov>,
<kweikal@dcso.nashville.org>, <dhall@dcso.nashville.org>,
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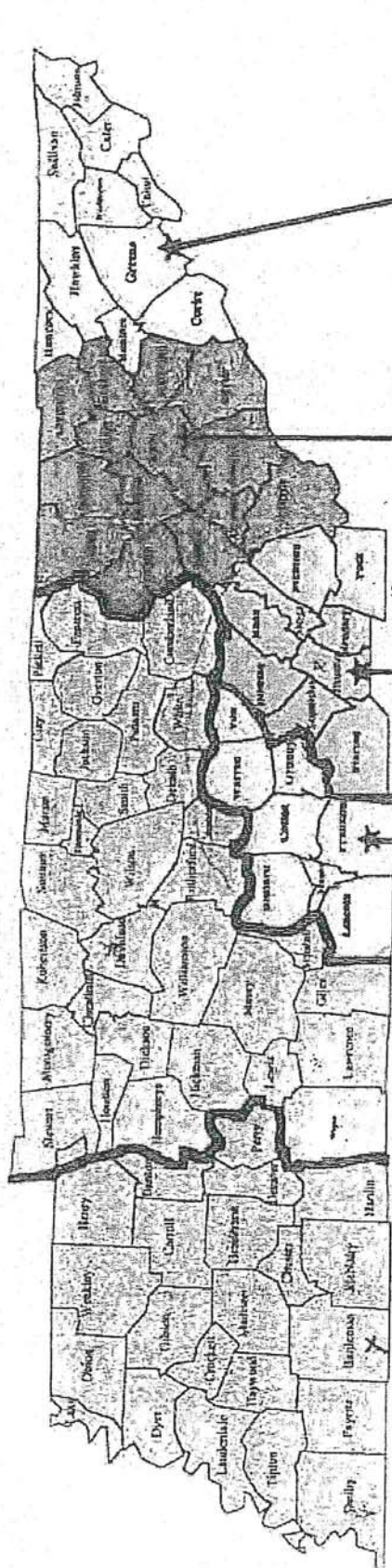
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2. Cocke
3. Greene
4. Hamblen
5. Hancock
6. Hawkins
7. Johnson
8. Sullivan
9. Unicoi
10. Washington

Northern (14 Counties)

1. Anderson
2. Blount
3. Campbell
4. Claiborne
5. Grainger
6. Jefferson
7. Knox
8. Loudon
9. Monroe
10. Morgan

Southern (9 Counties)

1. Bledsoe
2. Bradley
3. Hamilton
4. McMinn
5. Macon
6. Meigs
7. Polk
8. Rhea
9. Sevier

Winchester (8 counties)

1. Bedford
2. Coffee
3. Franklin
4. Grundy
5. Lincoln
6. Moore
7. Warren
8. Van Buren

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To: <patrick.merkel@tn.gov>, <mikedobbins@williamsson-tn.org>, <johnny.welch@tn.gov>, <stan.murphy@tn.gov>, <bian.grisham@tn.gov>, <kweikal@dcso.nashville.org>, <dhall@dcso.nashville.org>, <rgentry@dcso.nashville.org>
Date: 9/7/2010 12:46 PM
Subject: Fw: County Breakdown

Sergeant Terry Wilshire B1512
Assistant Intake/Release Manager
Knox County Sheriff's Office
Intake/Release/ Sexual Offender Registry
Office 865-281-6735 Cell 865-679-7800 Fax 865-281-6736
<http://www.knoxsheriff.org/>

-----Original Message-----

From: "Bobo, John B" <john.bobo@dhs.gov>
Sent: 9/2/2010 5:34:06 PM
To: twilshire@knoxsheriff.org
Subject: RE: County Breakdown

Hey Terry,

These are the only ICE ERO offices in TN.

Chattanooga fax is 423-553-1719
Knoxville 865-539-2607
Nashville 615-736-2037
Memphis 901-544-0271

From: SRS0=OAq5sh=QG=knoxsheriff.org=twilshire@srs.bis.na.blackberry.com
[mailto:SRS0=OAq5sh=QG=knoxsheriff.org=twilshire@srs.bis.na.blackberry.com] **On Behalf Of** twilshire@knoxsheriff.org
Sent: Thursday, September 02, 2010 5:30 PM
To: John Bobo
Subject: Re: County Breakdown

Ok one more level...local offices and fax info? Sorry for needing so much

Sent from my BlackBerry® wireless device from U.S. Cellular

From: "Bobo, John B" <john.bobo@dhs.gov>

BATES 19

Date: Thu, 2 Sep 2010 16:23:11 -0500

To: <twilshire@knoxsheriff.org>

Subject: RE: County Breakdown

Yes, sorry.

Chattanooga 423-553-1716 SDDO John Bobo
Knoxville 865-539-0921 SDDO John Bobo
Nashville 615-736-2036 SDDO Tommy Burnside
Memphis 901-544-0266 SDDO James Mounce

John Bobo

Supervisory Detention and Deportation Officer
ICE-ERO-New Orleans Field Office
Chattanooga & Knoxville Field Offices
2150 Stein Dr.
Chattanooga, TN. 37421

Desk: 423-553-1716 ext. 228

Fax: 423-553-1719

Cell: 423-242-8075

From: SRS0=OAq5sh=QG=knoxsheriff.org=twilshire@srs.bis.na.blackberry.com
[mailto:SRS0=OAq5sh=QG=knoxsheriff.org=twilshire@srs.bis.na.blackberry.com] **On Behalf Of**
twilshire@knoxsheriff.org

Sent: Thursday, September 02, 2010 4:59 PM

To: John Bobo

Subject: Re: County Breakdown

Does it have contact info?

Sent from my BlackBerry® wireless device from U.S. Cellular

From: "Bobo, John B" <john.bobo@dhs.gov>

Date: Thu, 2 Sep 2010 15:33:07 -0500

To: Terry Wilshire<twilshire@knoxsheriff.org>

Subject: County Breakdown

Terry,

This map is an older one and we are no longer DOJ, however, it is a good representation of our breakdown. Eastern TN, Yellow and Pink is the Chattanooga AOR. Green and light Blue is the Knoxville AOR. Middle TN is shaded light Purple and is the Nashville AOR. Light Blue Western TN is Memphis TN AOR. This is the Breakdown for ICE Enforcement and Removal operations and may not be the breakdown for Homeland Security Investigations (Special Agents). Hope this helps.

John

Patrick Merkel - Re: County Breakdown

From: "Terry Wilshire" <twilshire@knoxsheriff.org>
To: "terry wilshire" <twilshire@knoxsheriff.org>, <patrick.merkel@tn.gov>, <mikedobbins@williamsson-tn.org>, <johnny.welch@tn.gov>, <stan.murphy@tn.gov>, <bian.grisham@tn.gov>, <kweikal@dcso.nashville.org>, <dhall@dcso.nashville.org>, <rgentry@dcso.nashville.org>
Date: 9/7/2010 1:46 PM
Subject: Re: County Breakdown

revised copy...had wrong bill number referenced...

Sergeant Terry Wilshire B1512
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Knox County Sheriff's Office
Intake/Release/ Sexual Offender Registry
Office 865-281-6735 Cell 865-679-7800 Fax 865-281-6736
<http://www.knoxsheriff.org/>

-----Original Message-----

From: "Terry Wilshire" <twilshire@knoxsheriff.org>
Sent: 9/7/2010 1:28:53 PM
To: patrick.merkel@state.tn.us, mikedobbins@williamsson-tn.org, johnny.welch@tn.gov, stan.murphy@tn.gov, bian.grisham@tn.gov, kweikal@dcso.nashville.org, dhall@dcso.nashville.org, rgentry@dcso.nashville.org
Subject: Fw: County Breakdown

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<http://www.knoxsheriff.org/>

-----Original Message-----

From: "Bobo, John B" <john.bobo@dhs.gov>
Sent: 9/2/2010 4:33:07 PM
To: "Terry Wilshire" <twilshire@knoxsheriff.org>
Subject: County Breakdown

Terry,

BATES 21

This map is an older one and we are no longer DOJ, however, it is a good representation of our breakdown. Eastern TN, Yellow and Pink is the Chattanooga AOR. Green and light Blue is the Knoxville AOR. Middle TN is shaded light Purple and is the Nashville AOR. Light Blue Western TN is Memphis TN AOR. This is the Breakdown for ICE Enforcement and Removal operations and may not be the breakdown for Homeland Security Investigations (Special Agents). Hope this helps.

John

Patrick Merkel - Re: County Breakdown

From: "Terry Wilshire" <twilshire@knoxsheriff.org>
To: "terry wilshire" <twilshire@knoxsheriff.org>, "terry wilshire" <twilshire@knoxsheriff.org>, <patrick.merkel@tn.gov>, <mikedobbins@williamsson-tn.org>, <johnny.welch@tn.gov>, <stan.murphy@tn.gov>, <brian.grisham@tn.gov>, <kweikal@dcso.nashville.org>, <dhall@dcso.nashville.org>, <rgentry@dcso.nashville.org>
Date: 9/7/2010 1:49 PM
Subject: Re: County Breakdown

Sergeant Terry Wilshire B1512
Assistant Intake/Release Manager
Knox County Sheriff's Office
Intake/Release/ Sexual Offender Registry
Office 865-281-6735 Cell 865-679-7800 Fax 865-281-6736
<http://www.knoxsheriff.org/>

-----Original Message-----

From: "Terry Wilshire" <twilshire@knoxsheriff.org>
Sent: 9/7/2010 2:30:04 PM
To: "terry wilshire" <twilshire@knoxsheriff.org>, patrick.merkel@state.tn.us, mikedobbins@williamsson-tn.org, johnny.welch@tn.gov, stan.murphy@tn.gov, brian.grisham@tn.gov, kweikal@dcso.nashville.org, dhall@dcso.nashville.org, rgentry@dcso.nashville.org
Subject: Re: County Breakdown

revised copy...had wrong bill number referenced...

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-----Original Message-----

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Sent: 9/7/2010 1:28:53 PM
To: patrick.merkel@state.tn.us, mikedobbins@williamsson-tn.org, johnny.welch@tn.gov, stan.murphy@tn.gov, brian.grisham@tn.gov, kweikal@dcso.nashville.org, dhall@dcso.nashville.org, rgentry@dcso.nashville.org
Subject: Fw: County Breakdown

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-----Original Message-----

From: "Bobo, John B" <john.bobo@dhs.gov>
Sent 9/2/2010 4:33:07 PM
To: "Terry Wilshire" <twilshire@knoxsheriff.org>
Subject: County Breakdown

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John

Patrick Merkel - test email

From: "Terry Wilshire" <twilshire@knoxsheriff.org>
To: <brian.grisham@tn.gov>, <dhall@dcso.nashville.org>, <johnny.welch@tn.gov>, <kweikal@dcso.nashville.org>, <mikedobbins@williamsson-tn.org>, <rgentry@dcso.nashville.org>, <stan.murphy@tn.gov>, <twilshire@knoxsheriff.org>, <Patrick.Merkel@tn.gov>, <brian.grisham@tn.gov>, <dhall@dcso.nashville.org>, <johnny.welch@tn.gov>, <kweikal@dcso.nashville.org>, <mikedobbins@williamsson-tn.org>, <rgentry@dcso.nashville.org>, <stan.murphy@tn.gov>, <twilshire@knoxsheriff.org>, <Patrick.Merkel@tn.gov>
Date: 9/7/2010 2:06 PM
Subject: test email

I have a group set up for emailing...please let me know if this includes everyone..

thanks

Sergeant Terry Wilshire B1512
Assistant Intake/Release Manager
Knox County Sheriff's Office
Intake/Release/ Sexual Offender Registry
Office 865-281-6735 Cell 865-679-7800 Fax 865-281-6736
<http://www.knoxsheriff.org/>

Patrick Merkel - Corrections Training

From: "Terry Wilshire" <twilshire@knoxsheriff.org>
To: <brian.grisham@tn.gov>, <dhall@dcso.nashville.org>, <johnny.welch@tn.gov>, <kweikal@dcso.nashville.org>, <mikedobbins@williamsson-tn.org>, <rgentry@dcso.nashville.org>, <stan.murphy@tn.gov>, <twilshire@knoxsheriff.org>, <tdavis@dcso.nashville.org>, <tdavis@dcso.nashville.org>, <Patrick.Merkel@tn.gov>
Date: 9/7/2010 2:29 PM
Subject: Corrections Training

As agreed upon in our meeting, I contacted TCI and they are go for training corrections staff in new classes and in-service next year. I will be working with TCI staff on a training module to add to next years TCI training that will outline the committee's final guidelines.

Sergeant Terry Wilshire B1512
Assistant Intake/Release Manager
Knox County Sheriff's Office
Intake/Release/ Sexual Offender Registry
Office 865-281-6735 Cell 865-679-7800 Fax 865-281-6736
<http://www.knoxsheriff.org/>

Patrick Merkel - Fw: Corrections Training

From: "Terry Wilshire" <twilshire@knoxsheriff.org>
To: "twilshire" <twilshire@knoxsheriff.org>
Date: 9/14/2010 12:08 PM
Subject: Fw: Corrections Training
CC: <brian.grisham@tn.gov>, <dhall@dcso.nashville.org>, <johnny.welch@tn.gov>, <kweikal@dcso.nashville.org>, <rgentry@dcso.nashville.org>, <stan.murphy@tn.gov>, <twilshire@knoxsheriff.org>, <tdavis@dcso.nashville.org>, <tdavis@dcso.nashville.org>, <Patrick.Merkel@tn.gov>, <mikedobbins@williamsson-tn.org>

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Office 865-281-6735 Cell 865-679-7800 Fax 865-281-6736
<http://www.knoxsheriff.org/>
email twilshire@knoxsheriff.org
email terry.wilshire@leo.gov

-----Original Message-----

From: "Terry Wilshire" <twilshire@knoxsheriff.org>
Sent: 9/7/2010 3:12:44 PM
To: brian.grisham@tn.gov, dhall@dcso.nashville.org, johnny.welch@tn.gov, kweikal@dcso.nashville.org, mikedobbins@williamsson-tn.org, rgentry@dcso.nashville.org, stan.murphy@tn.gov, twilshire@knoxsheriff.org, tdavis@dcso.nashville.org, tdavis@dcso.nashville.org, Patrick.Merkel@tn.gov
Subject: Corrections Training

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Patrick Merkel - new copy of procedures

From: "Terry Wilshire" <twilshire@knoxsheriff.org>
To: <brian.grisham@tn.gov>, <dhall@dcso.nashville.org>, <johnny.welch@tn.gov>, <kweikal@dcso.nashville.org>, <mikedobbins@williamsson-tn.org>, <Patrick.Merkel@tn.gov>, <rgentry@dcso.nashville.org>, <stan.murphy@tn.gov>, <tdavis@dcso.nashville.org>, <twilshire@knoxsheriff.org>
Date: 9/14/2010 12:55 PM
Subject: new copy of procedures
Attachments: immigration policy.docx

Please omit the last copy of procedures I sent the group. Please use the attached version of procedures for review with our group.

Sub-Section: 9.? Immigration and Foreign-born Inmates

I Policy: It is the policy of the Knox County Sheriff's Office Corrections Division to comply with the Immigration and Naturalization Act, as compiled in 8 U.S.C §1101 et seq. The Knox County Sheriff's Office will comply with House Bill No. 670 / Senate Bill No. 1141, scheduled to become law on January 1, 2010. The Knox County Sheriff's Office actively participates in the Secure Communities Program. The Knox County Sheriff's Office will identify and report all persons who may be in violation of United States Immigration Laws.

II. Definitions:

ICE: Immigration and Customs Enforcement, the Federal Law Enforcement agency responsible for investigation and removal of criminal aliens. This agency is a branch of Department of Homeland Security.

Secure Communities: Partnership between the Sheriff's Office and ICE to identify, detain, and remove criminal aliens from the United States. ICE monitors all arrestee fingerprints submitted for matches to the ICE criminal alien database.

III. Procedures:

- A. During the course of processing all arrestees, a set of fingerprints is taken via Livescan and transmitted to the Tennessee Bureau of Investigation and Federal Bureau of Investigation for comparison and addition of charges to Criminal History. In addition, all prints transmitted are also routed to ICE for a search of their Criminal Alien database. If a match is found and a detainer required, Secure Communities will notify Intake via phone and will fax a detainer.
- B. Whenever an individual is arrested and brought to the Intake Center for processing, during the normal course of gathering personal information, the individual will be asked his Place of Birth and Citizenship Status in the United States.
- C. If the arrested person indicates he/she was born in a foreign country and/or states he/she is not a citizen of the United States then a booking package will be forwarded to the local ICE office for investigation.
- D. The booking package sent to ICE will consist of Charge Information, an Arrest Report, any response from LESC via NCIC, a photo of the individual, and fingerprint response from TBI and FBI indicating State ID and FBI numbers.
- E. The inmate file will be marked to indicate that this procedure has been indicated and awaiting a response from ICE.
- F. If at any time during this procedure, the inmate's charges are released by bond or court order, the inmates file will be taken to the Intake Supervisor on duty. If no response has been received from ICE, the Intake Supervisor will take steps to contact the Local ICE office or 24/7 Secure Communities for final determination of need of a detainer.
- G. If a Detainer is requested from ICE, then a copy will be placed in the inmates file and a detainer issued and booked on JIMS.

H. Upon release of all local charges, ICE will be notified via FAX/Phone that the inmate is ready to be transferred to their custody. ICE will have 48 hours (independent of weekends and holidays) to take custody of the inmate. If for any reason ICE has not taken custody within this amount of time, the Intake Supervisor will be notified immediately. In turn the Local and/or Regional ICE Supervisor will be contacted and notified by the Intake Supervisor. A decision for immediate pick up or release will be made at that time.

Conference Committee Report on
House Bill No. 670 / Senate Bill No. 1141

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 670 (Senate Bill No. 1141) has met and recommends that the following amendments be deleted: House Amendment No. 1 and Senate Amendments No. 6, 10, 11, 14, 2, 3, 4, 5, 9, 12, 13, 23, 24(as amended by 1 and 3), 25, 28, 29, 30, 32.

The Committee further recommends that the following amendment be adopted: by deleting all language after the enacting clause and by substituting instead the following: SECTION 1. Tennessee Code Annotated, Title 40, Chapter 7, Part 1, is amended by adding a new section thereto:

§ 40-7-123.

(a) The Tennessee peace officer standards and training commission shall develop a standardized written procedure for verifying the citizenship status of individuals who are arrested, booked, or confined for any period in a county or municipal jail or detention facility and reporting to the appropriate Immigration and Customs Enforcement Detention and Removal Operations field office those individuals who may be in violation of the Immigration and Naturalization Act, as compiled in 8 U.S.C §1101 et seq.

(b) When a person is arrested, booked or confined for any period in the jail of the county or any municipality, the keeper of the jail shall utilize the above-referenced procedure to verify the citizenship status of each arrested, booked, or otherwise confined individual and report those individuals to the appropriate Immigration and Customs Enforcement Detention and Removal Operations field office if the keeper of the jail determines that the individual is in violation of the Immigration and Naturalization Act, as compiled in 8 U.S.C §1101 et seq., or if such status cannot be determined.

- 2 - 01954972

Patrick Merkel - citizenship model policy

From: Patrick Merkel
To: Grisham, Brian
Date: 9/14/2010 2:40 PM
Subject: citizenship model policy
Attachments: model policy citizenship status.doc

Brian,

I have been working on the model policy POST was directed to prepare.

Attached is my 1st draft of the policy.

Your thoughts and comments are appreciated on this. I have tried to base it heavily on Knox County's.

Patrick

Patrick W. Merkel
Chief Counsel for Fire Prevention and Law Enforcement
Department of Commerce and Insurance
(615) 741-9462

NOTE: This email, including any attachment(s), may contain PRIVILEGED and CONFIDENTIAL information and is intended only for the use of the specific individual(s) to which it is addressed. If you are not an intended recipient of this email, you are hereby notified that any unauthorized use, dissemination or copying of this email or the information contained in it or attached to it is strictly prohibited. If you have received this email in error, please delete it and immediately notify the person named above by reply email. Thank you.



**STATE OF TENNESSEE
PEACE OFFICER STANDARDS AND TRAINING COMMISSION**

**3025 LEBANON ROAD
NASHVILLE, TENNESSEE 37214-2217
PHONE: 615-741-4481 FAX: 615-532-0502**

**Citizenship Status
A Policy from the Tennessee POST Commission**

1. Purpose. This model policy was developed pursuant to Public Chapter 1112 of 2010, which required the POST Commission to "develop a standard written procedure for verifying the citizenship status of individuals who are arrested, booked, or confined for any period in a county or municipal jail or detention facility and reporting to the appropriate Immigration and Custom Enforcement (ICE) Detention and Removal Operations field office those individuals who may be in violation of the Immigration and Naturalization Act..."

The act requires the keeper of the jail to utilize the POST Commission's standard procedure to verify the citizenship status of individuals who are arrested, booked, or confined for any period in a county or municipal jail or detention facility and report to ICE those individuals who are in violation of the Immigration and Naturalization Act or if such status cannot be determined.

2. Definitions.

Booking Package: Charge information, arrest report, any response from LESC via NCIC, a photo of the individual, and fingerprint response from TBI and FBI indicating State ID and FBI numbers.

FBI: Federal Bureau of Investigation

ICE: United States Department of Homeland Security Immigration and Custom Enforcement.

LESC: ICE's Law Enforcement Support Center which provides immigration status and identity information to local, state and federal law enforcement agencies on aliens suspected, arrested or convicted of criminal activity.

NCIC: FBI's National Crime Information Center which provides a computerized index of criminal justice information (i.e. - criminal record history information,

fugitives, stolen properties, missing persons) to Federal, state, and local law enforcement and other criminal justice agencies.

Secure Communities: Partnership between the county or municipal jail or detention facility and ICE to identify, detain, and remove criminal aliens from the United States. Under the Program, ICE monitors all arrestee fingerprints submitted for matches to ICE criminal alien database.

TBI: Tennessee Bureau of Investigation

3. **Policy Statement.** The POST Commission recommends all county and municipal jails or detention facilities that are not operating under a memorandum of understanding with the United States Department of Homeland Security concerning enforcement of federal immigration laws or participating in United States Immigration and Customs Enforcement Criminal Alien Program (CAP) to participate in the United States Department of Homeland Security's Secure Communities Program.

Under the Secure Communities Program, fingerprints submitted to NCIC for matches are also run against the ICE's LESC database of aliens suspected, arrested or convicted of criminal activity. Participation in this Program will provide an additional verification of citizenship status. This Program is expected to be available to in all Tennessee counties in the next two (2) years.

The POST Commission has developed the following procedure for verifying the citizenship status of individuals who are arrested, booked, or confined for any period in a county or municipal jail or detention facility and reporting to the local ICE field office those individuals who may be in violation of the Immigration and Naturalization Act. This procedure should be incorporated regardless of whether a county or municipal jail or detention facility participates in the Secure Communities Program.

4. **Procedures.**
 - A. During the course of processing, while gathering personal information, the individual shall be asked the following two (2) questions:
 - i. What is your place of birth?
 - ii. Are you a citizen of the United States?
 - B. If the individual indicates he/she was born in a foreign country and/or states he/she is not a citizen of the United States then a booking package shall be forwarded to the local ICE field office for investigation.

- C. The individual's file will be marked to indicate that this procedure has been initiated and a response is pending from ICE.
 - D. If at any time during this procedure, the individual's charges are released by bond or court order, prior to the release of the individual, the individual's file will be taken to a designated Supervisor for review.
 - i. If no response has been received from ICE, the Supervisor shall take steps to contact the local ICE field office for final determination of need of a detainer.
 - ii. If ICE determines no detainer is required, a copy will be placed in the individual's file.
 - iii. If detainer is requested from ICE, then a copy will be placed in the individual's file and a detainer issued and booked.
 - 1. Upon release of all local charges, ICE will be notified that the individual is ready to be transferred to their custody. ICE will have 48 hours (not including weekends or holidays) to take custody of the individual.
 - 2. If ICE has not taken custody within 48 hours, the Supervisor shall contact the local ICE field office for a decision for immediate pick up or release.
5. Immigration and Custom Enforcement Detention and Removal Operations field offices.
- A. Knoxville Office (865) 539-0921
 - i. Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Loudon, Monroe, Morgan, Roane, Scott, Sevier, Sullivan, Unicoi, Union and Washington
 - B. Chattanooga Office (423) 553-1716
 - i. Bedford, Bledsoe, Bradley, Coffee, Franklin, Grundy, Hamilton, Lincoln, Marion, McMinn, Meigs, Moore, Polk, Rhea, Sequatchie, Warren and Van Buren
 - C. Nashville Office (615) 736-2036
 - i. Cannon, Cheatham, Clay, Cumberland, Davidson, Dekalb, Dickson, Fentress, Giles, Hickman, Houston, Humphreys, Jackson, Lawrence,

Lewis, Macon, Marshall, Maury, Montgomery, Overon, Pickett,
Putnam, Robertson, Rutherford, Smith, Stewart, Sumner, Trousdale,
Wayne, White, Wilson and Williamson

D. Memphis Office (901) 544-0266

- i. Benton, Carroll, Chester, Crockett, Decatur, Dyer, Fayette, Gibson,
Hardin, Hardeman, Haywood, Henderson, Henry, Lake, Lauderdale,
Madison, McNairy, Obion, Perry, Shelby, Tipton and Weakley

DRAFT

Patrick Merkel - Re: new copy of proceedings

From: Patrick Merkel
To: Wilshire, Terry
Date: 9/14/2010 2:54 PM
Subject: Re: new copy of proceedings

Thank you, Terry.

I am working on the first draft right now and hope to be able to share it soon.

Patrick

>>> "Terry Wilshire" <twilshire@knoxsheriff.org> 9/14/2010 12:58 PM >>>

Please omit the last copy of procedures I sent the group. Please use the attached version of procedures for review with our group.

Patrick Merkel - Re: citizenship model policy

From: Brian Grisham
To: Merkel, Patrick
Date: 9/16/2010 9:52 AM
Subject: Re: citizenship model policy

I think that looks really good. No changes from me.

Brian Grisham
Director
Tennessee Law Enforcement Training Academy/ Executive Secretary Tennessee POST Commission
3025 Lebanon Road, Nashville, TN 37214
(615) 741-4448
brian.grisham@tn.gov

>>> Patrick Merkel 9/14/2010 2:40 PM >>>
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Patrick

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Chief Counsel for Fire Prevention and Law Enforcement
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